

**ZB# 99-31**

**Estate of  
Irma Zeccola**

**73-1-5**

#99-31-Zeccola, Estate of Irma

Area. 73-1-5

Prelim.

June 28, 1999.

Notice to Paper -

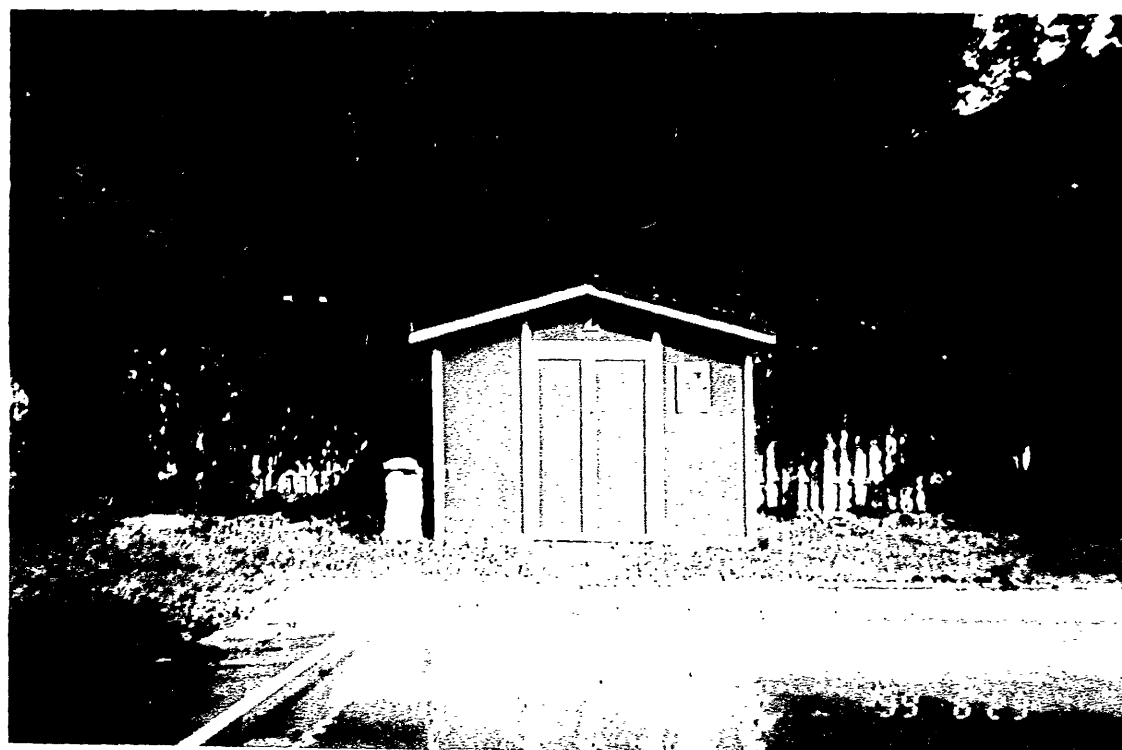
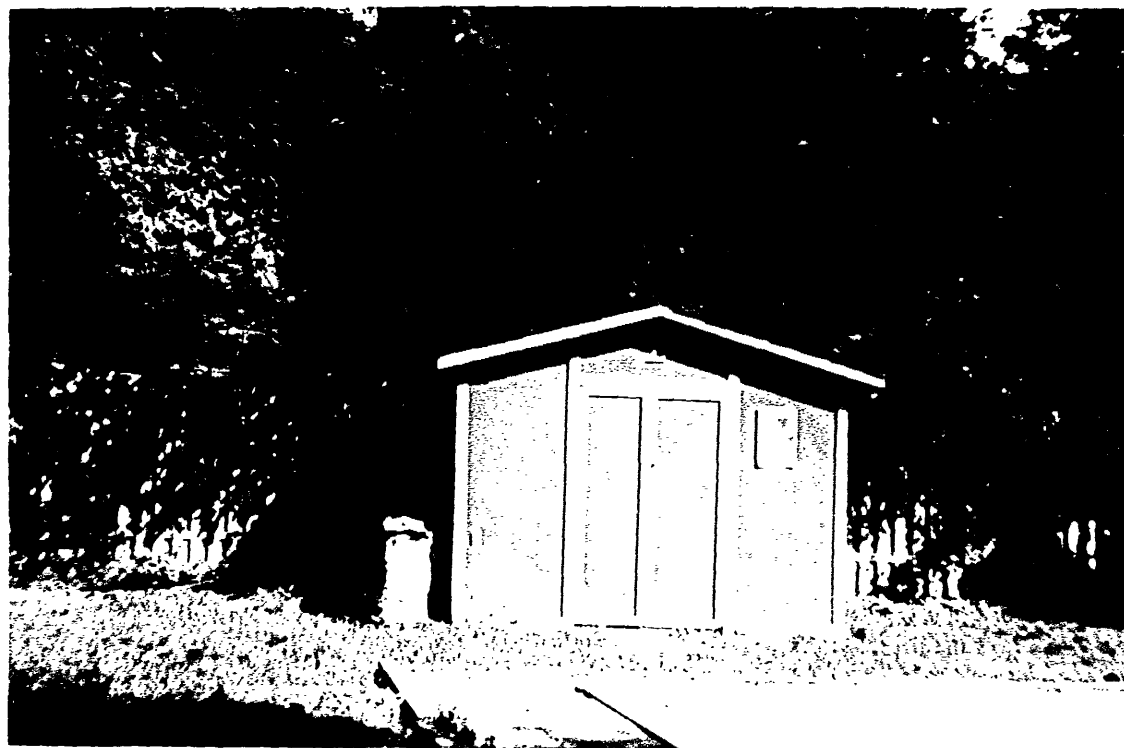
Letter out 6/20/99.

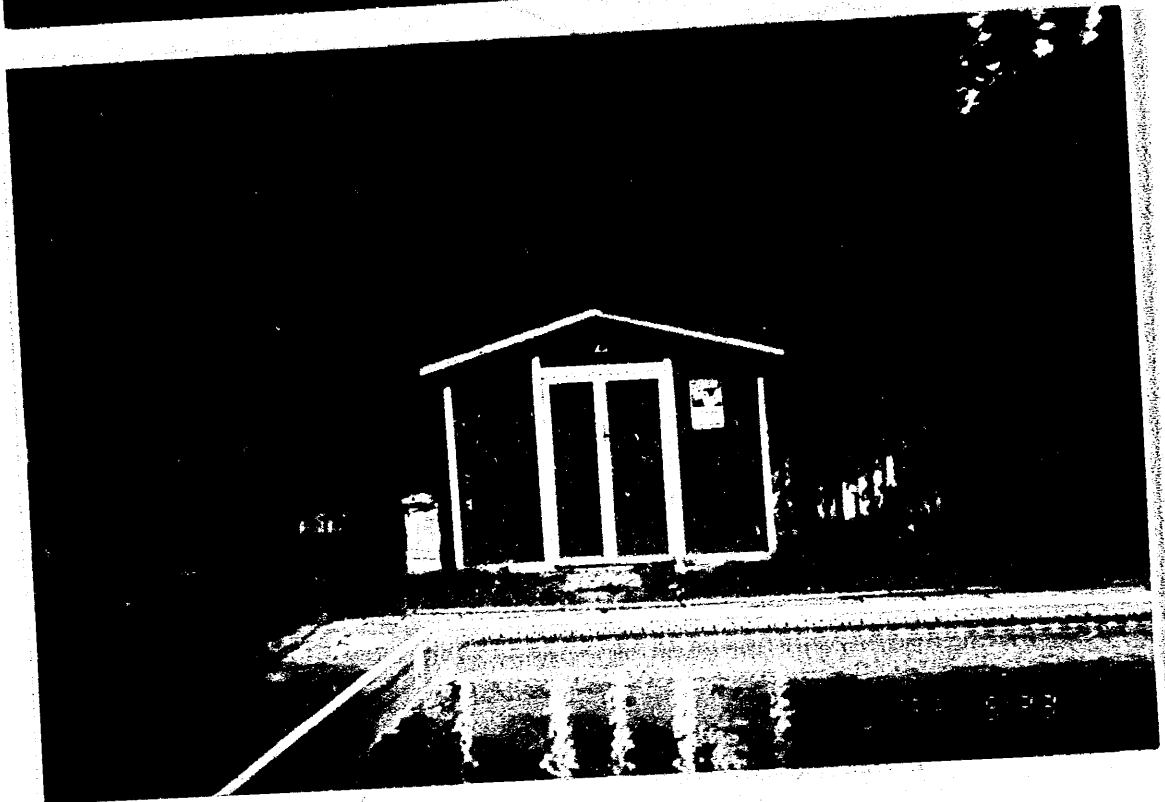
Public Hearing;

July 12, 1999.

Grants of Area

Refund: \$256.00





Willschaefer • Columbus • SINCE 1908 • DUPLEX • 8167 N. OL. TRAIL

© Wilson Jones, 1989

<b>RECEIPT</b> 039389	
DATE	<u>June 31, 1999</u>
RECEIVED FROM	<u>Estate of Irma M. Zeccola</u>
Address	<u>500 100</u>
FOR	<u>Zoning Board Variance Application # 99-31</u>
	DOLLARS \$ <u>50.00</u>
TOLON Clerk BY <u>Dorothy H. Hansen</u> <span style="float: right;">CA</span>	

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>110</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Zecola, Estate of

FILE# 99-31

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*paid  
ck # 110  
6/21/99*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*paid  
ck # 115*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/12/99-2 \$ 9.00  
2ND PRELIMINARY- PER PAGE ..... \$       
3RD PRELIMINARY- PER PAGE ..... \$       
PUBLIC HEARING - PER PAGE ..... \$       
PUBLIC HEARING (CONT'D) PER PAGE ..... \$       
TOTAL ..... \$ 9.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 7/12/99 ..... \$ 35.00  
2ND PRELIM. .... \$       
3RD PRELIM. .... \$       
PUBLIC HEARING. .... \$       
PUBLIC HEARING (CONT'D) ..... \$       
TOTAL ..... \$ 35.00

MISC. CHARGES:

..... \$       
TOTAL ..... \$ 44.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$       
REFUND DUE TO APPLICANT. \$ 256.00

-----X  
In the Matter of the Application of

**ESTATE OF IRMA ZECCOLA**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#99-31.  
-----X

**WHEREAS, ROBERT MILANO, Executor of the ESTATE OF IRMA ZECCOLA, has made application before the Zoning Board of Appeals for a 9 ft. side yard variance to allow existing pool equipment shed at 514 MacNary Lane, New Windsor, N. Y. in an R-4 zone; and**

**WHEREAS, a public hearing was held on the 12th day of July, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared by Robert Milano on behalf of this Application; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The shed has been in place for approximately 14 years.

(c) The shed is serviced by electrical, plumbing and piping.

(d) No complaints either formal or informal have been received.

(e) The shed is similar to other sheds located in the neighborhood.

(f) The shed does not cause any ponding of water or divert any drainage.

(g) The shed is not located on the top of any sewer or water easements, well or septic system.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 9 ft. side yard variance to allow an exiting pool equipment shed at 514 MacNary Lane in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

**Dated:** September 13, 1999.

  
\_\_\_\_\_  
Chairman



Date 7/2/99, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
168 N. Drury Lane DR.  
Newburgh, N.Y. 12550  
.....

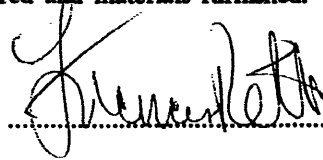
DATE			CLAIMED	ALLOWED
7/2/99		Zoning Board Mtg	75 00	
		Misc. - 2		
		Manusa - 4		
		Kadian - 4		
		Fountain - 10		
		Paspisil - 6		
		Gannon - 2		
		Leatto - 3		
		Zecoda - 2 \$9.00		
		McQuinness - 3		
		Costari - 2	171 00	
		38		
			246 00	

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....

the within claim was audited and allowed  
for the sum of

\$ .....

Clerk

ZECCOLA, ESTATE OF IRMA

MR. NUGENT: Is there anyone in the audience aside from the applicant? Let the record show there's no one.

Mr. Robert Milano appeared before the board for this proposal.

MR. NUGENT: Request for 9 ft. side yard variance to allow existing pool equipment shed at 514 MacNary Lane in an R-4 zone.

MS. BARNHART: On June 22, 1999, we sent out 42 letters to adjacent property owners and as you can see, we got no response. Okay.

MR. MILANO: It's been there for 14 years, houses the equipment for the pool, the house was closed on on Friday in escrow and that's that.

MR. KANE: The shed has a cement case underneath it?

MR. MILANO: No, I believe it's railroad ties.

MR. KANE: You have electrical coming to it?

MR. MILANO: Yes.

MR. KANE: Plumbing and piping for the pool?

MR. MILANO: Yes.

MR. KANE: Financially impractical to move all this at this point?

MR. MILANO: Yes.

MR. KANE: It's been existing for 14 years? Any trees cut down to have this done, any water problems in the area?

MR. MILANO: No.

MR. KANE: Any complaints, either are formal or informal?

MR. MILANO: No.

MR. TORLEY: Very attractive structure. Do you have authorization for this?

MR. MILANO: Yes.

MR. NUGENT: Is there any further questions? I'll accept a motion.

MR. TORLEY: I move that we grant the Estate of Irma Zeccola the requested variances.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Date 7/27/99, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(8)

TO ..... Frances Roth  
168 N. Drury Lane DR.  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
6/28/99	Zoning Board Mtg	(Denise Prodnick)	75 00	
	Misc. 2			
	Ogwest Realty - 2			
	McGuinness, Karen - 4			
	Villa - 4			
	Estate of Zeccola - 2 \$9.00			
	Jennings - 2			
	Barbera - 2			
	Bigi - 3			
	Barton - 2			
	83		103 50	
			178 50	

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

.....  
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here .....

No. ....

Town of New Windsor

.....  
Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....

the within claim was audited and allowed  
for the sum of

\$ .....

.....  
Clerk

ESTATE OF IRMA ZECCOLA

MR. NUGENT: Request for 9 foot side yard variance for accessory building (pool equipment shed) at 514 MacNary Lane in an R-4 zone.

Mr. Robert Milano appeared before the Board for this proposal.

MR. MILANO: MacNary Road.

MR. NUGENT: MacNary Road. Tell us what you want to do and why you want to do it.

MR. MILANO: Well, the existing pool, shed, fence which I currently got the CO approval on the pool and fence, it was begun in '85. It's my mother's house. She passed away. This is the shed that's located there. It's one foot off on the neighbors property line. It's supposed to be 10. There's been an electrical inspection done, the shed houses the pump, the plumbing, outlets, lights and service panel for the pool.

MR. KANE: So, basically, it's impractical to move at this point?

MR. MILANO: Yes.

MR. KANE: Sits on a cement pad?

MR. MILANO: I'm not quite sure.

MR. TORLEY: Looks like cement footers. But with all the electrical anyway.

MR. KANE: How long has the shed been existing?

MR. MILANO: Since 1985.

MR. REIS: No complaints from your neighbors that you're aware of?

MR. MILANO: No, not that I'm aware of. We're 20-year residents, and as far as I know, none of my neighbors have any complaints. I did send out the mailing list to the neighbors within 500 feet of the residence, and as far as I know, nobody complained, sent back.

MR. NUGENT: Can we keep these and put them in the folder?

MR. MILANO: Yes.

MR. NUGENT: If there are no further questions, I'll accept a motion.

MR. REIS: I make a motion that we set up Mr. Zeccola or the Estate of Zeccola with the necessary requests for a public hearing.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS AYE

MR. KANE AYE

MR. TORLEY AYE

MR. NUGENT AYE

(Mr. Krieger arrived.)

MR. NUGENT: You've already got your paperwork on this  
--

MR. MILANO: Yes.

MR. NUGENT: -- for your public hearing?

MR. MILANO: Yes. See you on the 12th?

MR. NUGENT: You've got to bring it in to her when you get ready, when you're done.

MR. TORLEY: I guess he already did that.

MR. KANE: Check with Pat on Monday, see what your status is. Make sure all your paperwork is in order.

MR. NUGENT: Tuesday, right, Mike? You're off Monday.

MR. BABCOCK: 4th of July, right.



**OFFICE OF THE BUILDING INSPECTOR**  
**TOWN OF NEW WINDSOR**  
**ORANGE COUNTY, NEW YORK**

*Prelim.*  
*June 28, 1999.*  
*# 99-31*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE:** 6/16/99

**APPLICANT:** Estate of Irma Zeccola  
514 Macnary Road  
New Windsor, New York 12553

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 6/9/99

**FOR :** Pool Equipment shed

**LOCATED AT:** 514 Macnary Lane

**ZONE:** R-4

**DESCRIPTION OF EXISTING SITE:** 73-1-5

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. 48-14 Accessory Buildings must be setback 10' from any lot line. Existing pool equipment shed is 1' from the side property line.

*Louis J. Kyheer*  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4      USE: Existing Accessory Building

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:                      10'                      1'                      9'

REQD. TOTAL SIDE YD:                      . . .

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be resubmitted for inspection.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

JUN 09 1999

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ESTATE OF IRMA ZECCOLA

Address 514 MAC NARY Rd Phone (941) 561-3663

Mailing Address 514 MAC NARY Rd NEW WINDSOR NY. 12553

Name of Architect ATTORNEY PETER C BLOOM

Address 530 BLOOMING GROVE TRK P.O. Box 4323 Phone (941) 561-6920  
NEW WINDSOR NY. 12553

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER/AGENT

If applicant is a corporation, signature of duly authorized officer. Robert [Signature] Agent.  
(Name and title of corporate officer)

1. On what street is property located? On the NORTH side of MAC NARY ROAD  
(N, S, E or W)  
and 300' feet from the intersection of PHILO STREET
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N ☒
3. Tax Map Description: Section 73 Block 1 Lot 5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy Pool shed b. Intended use and occupancy Pool shed
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? NO 10' x 10' pool shed
7. Dimensions of entire new construction. Front 10" Rear 10" Depth 10" Height 8" No. of stories 1
8. If dwelling, number of dwelling units: 0 Number of dwelling units on each floor 0
- Number of bedrooms 0 Baths 0 Toilets 0 Heating Plant: Gas 0 Oil 0
- Electric/Hot Air 0 Hot Water 0 If Garage, number of cars 0
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

\_\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Robert Milano  
(Signature of Applicant)

514 Mac Nary Rd New Windsor  
(Address of Applicant)

12553

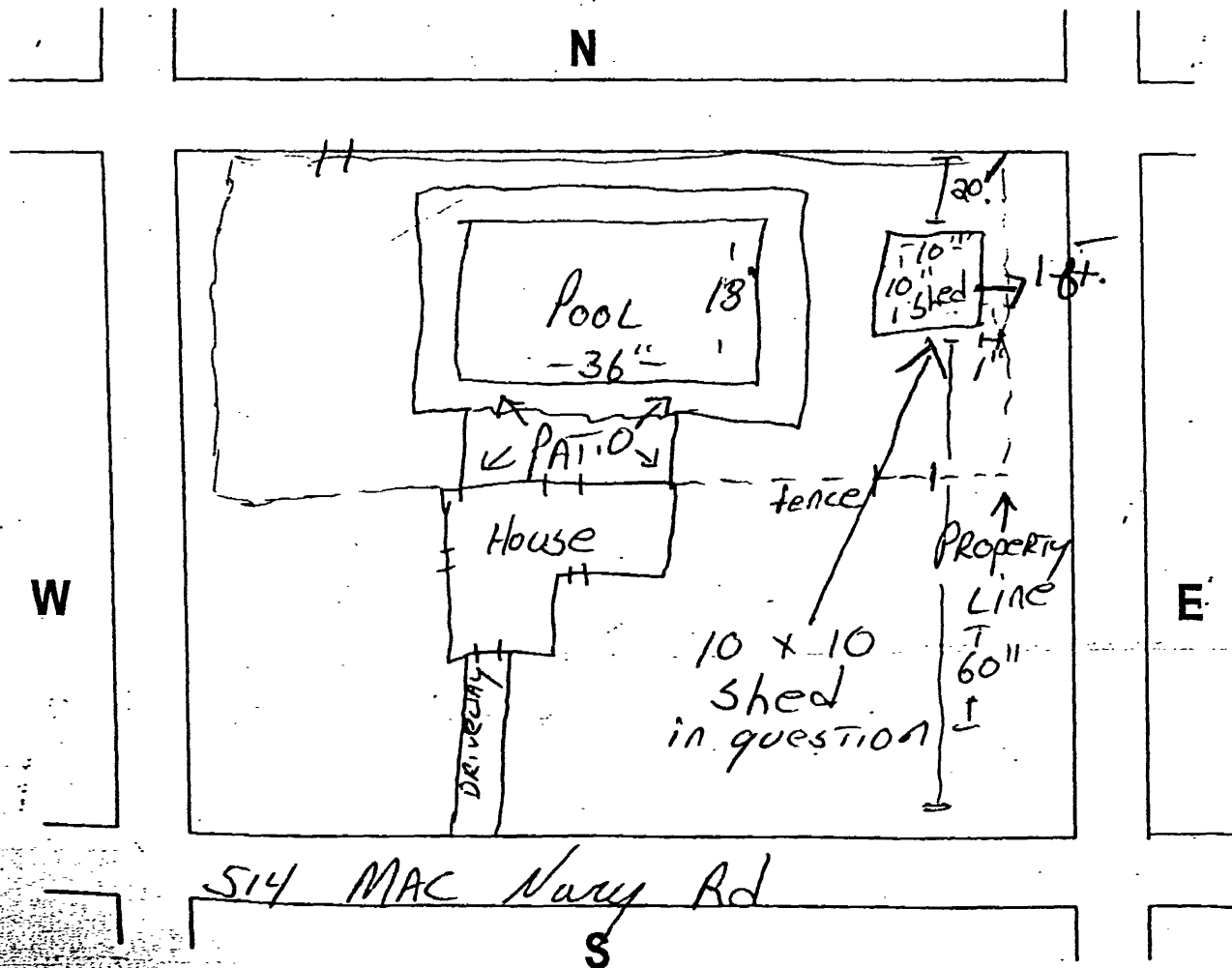
(Owner's Signature)

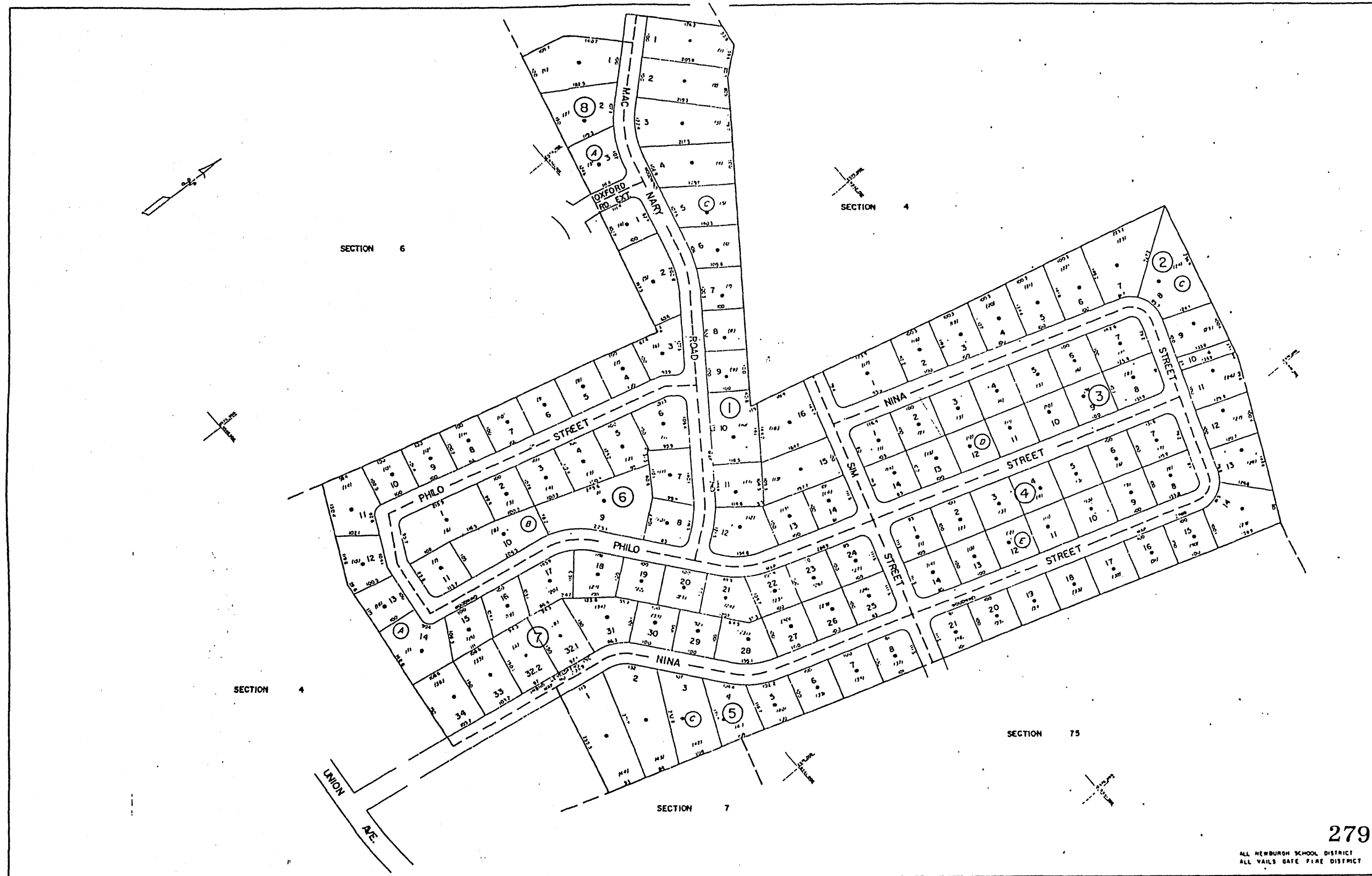
(Owner's Address)

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





ALL NEWBURGH SCHOOL DISTRICT  
ALL VAILS GATE FIRE DISTRICT

Prepared by  
ORANGE CO. TAX MAP DEPT.  
MAIN ST., GOSHEN, N. Y. 10924  
  
FOR TAX PURPOSES ONLY  
  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
ATLANTA COUNTY LINE	FILED PLAN OF LOT	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY	SALEMAN LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
SW	WATER LINE	AREA	STATE HIGHWAYS
NE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
			TOWN ROADS

ORANGE COUNTY-NEW YORK  
 Photo No. 8-339,341 Date of Map 10-24-72  
 Date of Photo 3-1-63 Date of Revision 3-1-91  
 Scale 1" = 100'

TOWN OF NEW WINDSOR  
 Section No. 73

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Estate of Irma Leccola,

Applicant.

# 99-31.

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on June 22, 1999, I compared the 42 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.



**Patricia A. Barnhart**

Sworn to before me this  
22<sup>nd</sup> day of June, 1999.

  
Notary Public

**DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999**



ESTATE OF IRMA M. ZECCOLA

50-235 623  
219  
6801427888

111

DATE 9/6/99

PAY TO THE ORDER OF Town of New Windsor

\$ 300.00

Three-Hundred and 00/100

DOLLARS

THE  
BANK OF  
NEW  
YORK

353 Windsor Highway  
New Windsor, NY 12553

MEMO Escrow - steno  
514 MACNARY RD.

0021902352 6801427888 0111

Executrix

ESTATE OF IRMA M. ZECCOLA

50-235 623  
219  
6801427888

110

DATE 6/9/99

PAY TO THE ORDER OF Town of New Windsor

\$ 50.00

Fifty and 00/100

DOLLARS

THE  
BANK OF  
NEW  
YORK

353 Windsor Highway  
New Windsor, NY 12553

MEMO App. Variance

514 MACNARY RD.

0021902352 6801427888 0110

Executrix



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

June 16, 1999

42

Estate of Irma Zeccola  
514 MacNary Rd.  
New Windsor, NY 12253

RE: 73-1-5

To Whom It May Concern:

Please be advised that the attached list of properties within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$45.00 to the Town Clerk's office.

Sincerely,

*S. Cook /ev*

Leslie Cook  
Sole Assessor

/jfg  
Attachments

Cc: Pat Barnhart, ZBA

Otto Scheible  
532 MacNary Rd.  
New Windsor, NY 12553

Victoria L. Sustmann  
19 Knox Drive  
New Windsor, NY 12553

Nicholas J. & Paula L. Degennaro  
518 MacNary Rd.  
New Windsor, NY 12553

Berryan Janet M. AKA Janet M.  
Gorglione & David J. Berryann  
13 Knox Drive  
New Windsor, NY 12553

Clifford H. & Marianne B. Paige  
21 Knox Drive  
New Windsor, NY 12553

Anthony & Carol Ronca  
516 MacNary Rd.  
New Windsor, NY 12553

Richard & Maureen Kelly  
506 MacNary Rd.  
New Windsor, NY 12553

Gerard Dullea & Ervene Gulley  
25 Oxford Drive  
New Windsor, NY 12553

John & Rosalie Romano  
512 MacNary Rd.  
New Windsor, NY 12553

Nrupendra & Vilas Upadhyay  
14 Oxford Lane  
New Windsor, NY 12553

Angela M. Gilbert  
29 Oxford Rd.  
New Windsor, NY 12553

Thomas & Josephine Cuti  
510 MacNary Rd.  
New Windsor, NY 12553

Eileen Marsh  
20 Oxford Rd.  
New Windsor, NY 12553

Mark S. Berkery  
31 Oxford Rd.  
New Windsor, NY 12553

Francis M. & Marie B. Leissler  
508 MacNary Rd.  
New Windsor, NY 12553

Gordon L. & Janet M. Walmsley  
22 Oxford Rd.  
New Windsor, NY 12553

Arland Co.  
2 Landfall Lane  
Princeton, NJ 08540

Richard P. & Maureen A. Kelly  
506 MacNary Rd.  
New Windsor, NY 12553

Fred A. Cook & Jill Brennan-Cook  
19 Oxford Ave  
New Windsor, NY 12553

Nathan L. Spells  
340 E. 64<sup>th</sup>  
New York, NY 10021

Richard Horak  
504 MacNary Rd.  
New Windsor, NY 12553

John H. Barbara J. Wurster  
12 Oxford Ave  
New Windsor, NY 12553

Rona Properties Corp  
654 Madison Ave  
Suite 802  
NY, NY 10021

Michael Restuccia  
122 Shore Dr.  
New Windsor, NY 12553

Jeffrey A. Orts & Judy A. Serviss-  
Orts  
67 Hudson Drive  
New Windsor, NY 12553

Richard & Judith Truocchio  
522 MacNary Rd  
New Windsor, NY 12553

Thomas & Margaret Organ  
360 Nina Street  
New Windsor, NY 12553

Doloris & Edna M. Gutcheus  
17 Knox Drive  
New Windsor, NY 12553

Brian M. & Kathleen M. Walsh  
520 MacNary Rd.  
New Windsor, NY 12553

Keith & Evelyn Aigner  
364 Nina Street  
New Windsor, NY 12553

Jan & Angelina Rostek  
362 Nina Street  
New Windsor, NY 12553

Daniel T. & Benita C. Cremins  
400 Philo Street  
New Windsor, NY 12553

Richard J. & Mary D. Camarda  
515 MacNary Rd.  
New Windsor, NY 12553

Martin A. & Judith D. Siskind  
403 Philo Street  
New Windsor, NY 12553

John & Honora McCarthy  
402 Philo Street  
New Windsor, NY 12553

Wayne A. & Dorothy A. Weber  
Thomas Weber  
513 MacNary Rd.  
New Windsor, NY 12553

John M. & Carolyn L. Thorn  
401 Philo Street  
New Windsor, NY 12553

Donald G. & Susan J. McCrossen  
404 Philo Street  
New Windsor, NY 12553

Michael & Loretta Jusino  
511 MacNary Rd.  
New Windsor, NY 12553

Thomas P. & Lori J. Mulligan  
406 Philo Street  
New Windsor, NY 12553

Robert E. Lennon Jr.  
188 Clove Ave  
Haverstraw, NY 10927

Kathleen T. Belaus  
517 MacNary Rd.  
New Windsor, NY 12553

Pls. publish  
immediately. Send  
bill to: Robt.  
Milano

at below address!

PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 31

Request of Estate of Irma Zeccola

for a VARIANCE of the Zoning Local Law to Permit:

existing pool equipment shed w/ insufficient  
side yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs. - Col. F

for property situated as follows:

514 MacNary Lane, New Windsor, N.Y.

known and designated as tax map Section 73, Blk. 1, Lot 5.

SAID HEARING will take place on the 12<sup>th</sup> day of July, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia A. Barnhart

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-31

Date: 6/22/99

I. ✓ Applicant Information:

- (a) ESTATE of IRMA ZECCOLA 514 MAC NARY RD NEW WINDSOR  
(Name, address and phone of Applicant) (Owner)
- (b) ROBERT MILANO 514 MAC NARY RD NEW WINDSOR NY (914) 561 3663  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ( ) Use Variance ( ) Sign Variance
- (X) Area Variance ( ) Interpretation

III. ✓ Property Information:

- (a) R-4 514 MAC NARY RD 13/1/5  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: yes 10' x 10' Pool shed
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No \_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 42-12, Table of Use/ Bulk Regs., Col. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10'</u>	<u>1'</u>	<u>9'</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

There is no Risk of Health, Safety and Welfare of the  
Neighborhood or undesirable change to character of the  
Neighborhood and will have no adverse effect or impact to  
the physical or environmental conditions in the Neighborhood  
or District. By such grant

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law,  
 Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation. N/A.

(a) Interpretation requested of New Windsor Zoning Local Law,  
 Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs.,  
 Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or





(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

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NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

OF \_\_\_\_\_ COUNTY CLERK'S OFFICE RECORDING PAGE  
**THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**

PRINT OR TYPE: BLACK INK ONLY

VINCENT A. ZECCOLA  
IRMA ZECCOLA

TO

IRMA ZECCOLA

SECTION 073 BLOCK 01 LOT 05

RECORD AND RETURN TO:  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

IRMA ZECCOLA  
514 MACNARY ROAD  
NEW WINDSOR, N.Y. 12553

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 56172 DATE 4/11/94 AFFIDAVIT FILED \_\_\_\_\_ 19\_\_\_\_

INSTRUMENT TYPE: DEED X MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

BG20 Blooming Grove \_\_\_\_\_  
CH22 Chester \_\_\_\_\_  
CO24 Cornwall \_\_\_\_\_  
CR26 Crawford \_\_\_\_\_  
DP28 Deerpark \_\_\_\_\_  
GO30 Goshen \_\_\_\_\_  
GR32 Greenville \_\_\_\_\_  
HA34 Hamptonburgh \_\_\_\_\_  
HI36 Highlands \_\_\_\_\_  
MK38 Minisink \_\_\_\_\_  
ME40 Monroe \_\_\_\_\_  
MY42 Montgomery \_\_\_\_\_  
MH44 Mount Hope \_\_\_\_\_  
NT46 Newburgh (T) \_\_\_\_\_  
NW48 New Windsor X \_\_\_\_\_  
TU50 Tuxedo \_\_\_\_\_  
WL52 Wallkill \_\_\_\_\_  
WK54 Warwick \_\_\_\_\_  
WA56 Wawayanda \_\_\_\_\_  
WO58 Woodbury \_\_\_\_\_  
MN09 Middletown \_\_\_\_\_  
NC11 Newburgh \_\_\_\_\_  
PJ13 Port Jervis \_\_\_\_\_  
9999 Hold \_\_\_\_\_

SERIAL NO. \_\_\_\_\_

Mortgage Amount \$ \_\_\_\_\_

Exempt Yes \_\_\_\_\_ No \_\_\_\_\_

3-6 Cooking Units Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic \$ \_\_\_\_\_

MTA \$ \_\_\_\_\_

Spec. Add. \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

JOAN A. MACCHI  
Orange County Clerk

by: \_\_\_\_\_

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on MAY 26 1994

at 1259 O'Clock P. M.

in Liber/Film 4050 deeds

at page 19 and examined.

Joan A. Macchi  
County Clerk

CHECK X CASH \_\_\_\_\_ CHARGE \_\_\_\_\_

MORTGAGE TAX \$ \_\_\_\_\_

TRANSFER TAX \$ 182.00

ED. FUND \$ 5.00

RECORD. FEE \$ 11.00

REPORT FORMS \$ 30.00

CERT. COPIES \$ \_\_\_\_\_

I. Zeccola

RECEIVED

\$ 182 -

REAL ESTATE

MAY 26 1994

TRANSFER TAX

ORANGE COUNTY

ORG 05/26/94 12:59:46 24827 41.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 56172 182.00 \*

\*\*\*\*\* SERIAL NUMBER: 006990 \*\*\*\*\*

---

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 11<sup>th</sup> day of April, nineteen hundred and ninety-four  
BETWEEN

VINCENT A. ZECCOLA, residing at 2023 COLONIAL AVE-BRONX, N.Y.  
and IRMA ZECCOLA, his wife, residing at 514 MacNary Rd., 10461  
New Windsor, NY 12553

party of the first part, and

IRMA ZECCOLA, residing at 514 MacNary Road, New  
Windsor, NY 12553

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being shown and designated as Block C, Lot 5 as shown on a certain map entitled "Woodwind" (formerly MacNary) Town of New Windsor, Orange County, New York, dated February 1972, revised April 18, 1972 and filed in Orange County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets).

SUBJECT to covenants, restrictions and easements of record, if any.

BEING AND INTENDED to be the same premises conveyed to Vincent A. Zeccola and Irma Zeccola from Inbro Development Corp. by Deed dated September 24, 1975 and recorded in the Orange County Clerk's Office on September 25, 1975 in Liber 2018 of Deeds at page 443.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part. the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

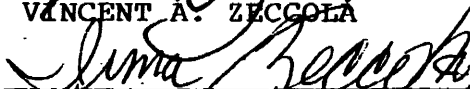
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

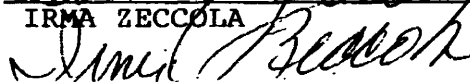
**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIBER 4050 PAGE 20

  
VINCENT A. ZECCOLA

  
IRMA ZECCOLA



STATE OF NEW YORK, COUNTY OF *NEW YORK* SS:

On the *11<sup>th</sup>* day of *April* 19 *94*, before me personally came

*B* VINCENT A. ZECCOLA

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Lisa D. Macagnone*  
Notary Public

LISA D. MACAGNONE  
Notary Public, State of New York  
Qualified in *Orange* County  
Commission Expires *June 30, 1995*

STATE OF NEW YORK, COUNTY OF

SS:

On the            day of            19            , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

;

that he is the  
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF *Rockland* SS:

On the *5<sup>th</sup>* day of *April* 19 *94*, before me personally came

IRMA ZECCOLA

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

*Mitchell Y. Cohen*  
Notary Public

MITCHELL Y. COHEN  
Notary Public, State of New York  
No. 4856320  
Qualified in Westchester County  
Commission Expires March 17, 1996

STATE OF NEW YORK, COUNTY OF

SS:

On the            day of            19            , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

;

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

VINCENT A. ZECCOLA and  
IRMA ZECCOLA, his wife

TO

IRMA ZECCOLA

SECTION 013

BLOCK 1

LOT 5

COUNTY OR TOWN New Windsor

RETURN BY MAIL TO:

DRAHOFF & JOHNSON  
ONE BLUE HILL PLAZA  
P.O. Box 1129

Pearl River NY

Zip No. 10965

Reserve this space for use of Recording Office.

LIBER 4050 PAGE 21